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U.S. District Court

Southern District of Illinois

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Case Name: Ruppert v. Principal Life Insurance Company

Case Number: 3:06-cv-903

Filer:

WARNING: CASE CLOSED on 07/25/2007

Document Number: 66

Docket Text:

ORDER LIFTING STAY, TRANSFERRING CASE TO OTHER DISTRICT and DENYING without prejudice [65] MOTION for Extension of Time to Complete Discovery filed by Joseph Ruppert. Case transferred to Southern District of Iowa. Signed by Judge David R Herndon on 7/25/07. (klh)

3:06-cv-903 Notice has been electronically mailed to:

Howard B. Becker hbecker@koreintillery.com, chall@koreintillery.com

Mark B. Blocker mblocker@sidley.com, efilingnotice@sidley.com

Kenneth J. Brennan kbrennan@simmonscooper.com, bwood@simmonscooper.com, gerthal@simmonscooper.com, jbruegger@simmonscooper.com

John A. Bruegger jbruegger@simmonscooper.com, bwood@simmonscooper.com, mwilson@simmonsfirm.com

Klint L. Bruno kbruno@koreintillery.com

Joel S. Feldman jfeldman@sidley.com, efilingnotice@sidley.com

Stephen C. Jones sjones@simmonscooper.com

Robert L. King robertking@charter.net

John A. Libra jlibra@koreintillery.com

Eric S. Mattson emattson@sidley.com, dradovich@sidley.com, efilingnotice@sidley.com

Michael J. Nester mnester@ilmoattorneys.com

Rosalind Robertson robertson@simmonscooper.com, ehovatter@simmonscooper.com

Andrew C. Shoenal ashoenthal@sidley.com, efilingnotice@sidley.com

Stephen M. Tillery stillery@koreintillery.com

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JOSEPH RUPPERT, as Trustee of and on behalf of
Fairmount Park, Inc. Retirement Savings Plan,
and on behalf of all others similarly situated,**

Plaintiff,

v.

PRINCIPAL LIFE INSURANCE COMPANY,

Defendant.

No. 06-cv-903-DRH

ORDER

HERNDON, District Judge:

Plaintiff Joseph Ruppert's motion to amend the scheduling and discovery order in this case is **DENIED** without prejudice in order that the appropriate judge can make the determination should the need arise (Doc. 65). The posture of this case is that this Court ordered transfer to the Southern District of Iowa, but stayed that transfer at the request of the Plaintiff who advised the Court of his intent to file a writ of mandamus. No such writ has been filed. This Court does not contemplate presiding over this case during the period requested by Plaintiff.

Plaintiff does not explain this inordinate delay in seeking the writ that he spoke of previously. The proposal seems to the Court illusory and now clearly a dilatory tactic. The Court hereby vacates the stay previously imposed (Doc. 64) and directs the Clerk to notify the Clerk of the Southern District of Iowa that this file is available for transmission immediately upon entry of this

order.

IT IS SO ORDERED.

Signed this 25th day of July, 2007.

/s/ David RHerndon
United States District Judge